

REMARKS

The claimed invention

Claims 16 and 19 have been amended to correct typographical and syntactical errors. Applicant submits that these amendments do not alter the scope of the claims.

Rejections under 35 U.S.C. § 102

Claims 12, 14-16, and 19 stand rejected under 35 U.S.C. 102 as being anticipated by Wang. Applicant submits that Wang is not a prior art reference with respect to the recitations of claims 12, 14-16, and 19. The instant application claims priority from U.S. Patent Application No. 09/584,299, now issued as U.S. Patent No. 6,550,688, filed May 31, 2000, before the filing date of Wang. Applicant submits that the subject matter of independent claims 12 and 16 is disclosed by the '229 application and that claims 12 and 16, and the claims dependent therefrom, are entitled to the earlier filing date. *See* MPEP 2136.05 and 706.02(b). Claim 12 recites a radiating fin comprising a rear notch for engaging a mounting system and a connecting edge extending between a front edge and a top edge of the fin, at least a portion of which is not parallel to either the front edge nor perpendicular to the top edge. Such a fin is disclosed by the '299 application in Figure 1. Element 12 is a rear notch and element 2 is a connecting edge. It is also clear from the figure that the top edge is shorter than the lower edge, as recited in claim 15. Claims 14 and 16 additionally recite that the radiating fin has a plurality of apertures. Figure 1 of the '299 application discloses a radiating fin having a plurality of apertures 6. In addition, claims 14-15 depend from claim 12, and claim 19 depends from claim 16. Applicant submits that claims 12, 14-16 and 19 are patentable in view of Wang.

Rejections under 35 U.S.C. § 103


Claims 13, 17, and 18 stand rejected under 35 U.S.C. 103 as being unpatentable over Wang in view of Shull. Applicant submits that claims 13 and 17 depend from claims 12 and 16, respectfully, and that claims 12 and 16 are patentable, as discussed above. Furthermore, Applicant submits that the combination of Wang and Shull does not result in the subject matter of claims 13, 17, and 18 and that there is no motivation to combine the teachings of Wang and Shull. Wang discloses a heat-dissipating fin with opposing flanges. These flanges help hold the fins apart from one another when they are mounted on a pipe. Air flows in the spaces between

the flanges to exchange heat with the fluid in the pipe. The flanges maintain the airspace between fins, allowing airflow therebetween. Likewise, Shull discloses a heat-dissipating fin having flanges on opposing sides. As described in column 3, lines 53-57, the flanges (peripheral lip 20) on the fins help direct airflow between the fins and space the fins apart. Neither Wang nor Shull discloses or suggests adding a third flange on an edge that is not parallel to the opposing fins, as recited in claims 13, 17, and 18. Furthermore, Applicant submits that neither Shull nor Wang disclose or suggest a rear notch on a lower edge of the fin for engaging a mounting system, as recited by claim 18. The notch disclosed by Shull is to provide compressibility to the fin and is centrally located, not disposed in a rear portion of the lower edge. Wang fails to disclose a notch on an edge of the fin. Rather Wang discloses tabs by which fins are connected to one another. As a result, Applicant submits that the combination of Wang and Shull fails to suggest the invention recited in claims 13, 17, and 18.

Furthermore, Applicant submits that there is no motivation to combine the teachings of Wang and Shull, that the references teach against such a combination, and that such a combination would be inoperable. To “modify the system of Wang et al. to include the front and rear flanges of Shull et al.,” as suggested by the Examiner (Page 3), would greatly impede airflow between the fins, reducing the ability of the heat exchanging device to actually exchange heat with circulating air. Such heat exchange is the actual purpose of the fins, as disclosed by Shull at column 1, line 67 - column 2, line 66. Because the combination of Shull and Wang in this manner would thwart the purposes of both, Applicant submits that claims 13, 17, and 18 are patentable in view of Shull and Wang, whether considered separately or in combination.

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Respectfully submitted,



Valarie B. Rosen
Registration Number 45,698
Date: July 29, 2004

Choate, Hall & Stewart
Exchange Place
53 State Street
Boston, MA 02109
(617) 248-5000
3729030_1.DOC